

SECOND REGULAR SESSION

HOUSE BILL NO. 2035

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HIGDON.

5344H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 488.012 and 488.435, RSMo, and to enact in lieu thereof two new sections relating to court costs.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 488.012 and 488.435, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 488.012 and 488.435, to read as follows:

488.012. 1. Beginning July 1, 1997, the clerk of each court of this state responsible for collecting court costs shall collect the court costs authorized by statute, in such amounts as are authorized by supreme court rule adopted pursuant to sections 488.010 to 488.020. Court costs due and payable prior to July 1, 1997, shall not be affected by the adoption of this rule.

2. The supreme court shall set the amount of court costs authorized by statute, at levels to produce revenue which shall not substantially exceed the total of the proportion of the costs associated with administration of the judicial system defrayed by fees, miscellaneous charges and surcharges.

3. Prior to adjustment by the supreme court, the following fees, costs and charges shall be collected:

(1) Five dollars for the filing of a lien, pursuant to section 429.090;

(2) Ten dollars for maintaining child support enforcement records, pursuant to section 452.345;

(3) Ten dollars for a notice to a judgment creditor of a distributee, pursuant to section 473.618;

(4) Three dollars for receiving and keeping a will, pursuant to section 474.510;

(5) Seven dollars for the statewide court automation fund, pursuant to section 488.027;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18 (6) Twelve dollars for municipal court costs, fifteen dollars for municipal ordinance
19 violations filed before an associate circuit judge and thirty dollars for applications for a trial de
20 novo of a municipal ordinance violation, pursuant to section 479.260;
- 21 (7) Five dollars for small claims court cases where less than one hundred dollars is in
22 dispute, and ten dollars in all other small claims court cases, pursuant to section 482.345;
- 23 (8) Fifty dollars for appeals, pursuant to section 483.500;
- 24 (9) Fifteen dollars in misdemeanor cases where there is no application for trial de novo,
25 pursuant to section 483.530;
- 26 (10) Forty-five dollars for applications for a trial de novo for misdemeanor cases,
27 pursuant to section 483.530;
- 28 (11) Fifteen dollars for each preliminary hearing in felony cases, pursuant to section
29 483.530;
- 30 (12) Thirty dollars for each information or indictment filed in felony cases, pursuant to
31 section 483.530;
- 32 (13) Fifteen dollars for each associate circuit court case filed, and one dollar for each
33 additional summons issued in such cases, pursuant to section 483.530;
- 34 (14) Forty-five dollars for applications for trial de novo from small claims court and
35 associate circuit court and forty-five dollars for filing of other cases, pursuant to section 483.530;
- 36 (15) One dollar and fifty cents for a certificate of naturalization, pursuant to section
37 483.535;
- 38 (16) When letters are applied for in probate proceedings, pursuant to section 483.580,
39 when the value of the estate is:
- 40 (a) Less than \$10,000 \$ 75.00
- 41 (b) From \$10,000 to \$25,000 115.00
- 42 (c) From \$25,000 to \$50,000 155.00
- 43 (d) From \$50,000 to \$100,000 245.00
- 44 (e) From \$100,000 to \$500,000 305.00
- 45 (f) More than \$500,000 365.00;
- 46 (17) Thirty dollars for each additional twelve months a decedent's estate remains open,
47 pursuant to section 483.580;
- 48 (18) In proceedings regarding guardianships and conservatorships, pursuant to section
49 483.580:
- 50 (a) Twenty-five dollars for each grant of letters for guardianship of a minor;
- 51 (b) Fifty dollars for each grant of letters for guardianship of an incapacitated person;
- 52 (c) Sixty dollars for each grant of letters for guardianship of the person and
53 conservatorship of the estate of a minor;

54 (d) Twenty-five dollars for each additional twelve months a conservatorship of a minor's
55 estate case remains open;

56 (e) Seventy-five dollars for each grant of letters in guardianship and conservatorship of
57 incapacitated persons and their estates;

58 (f) Thirty dollars for each additional twelve months an incapacitated person's case
59 remains open;

60 (19) Fifteen dollars for issuing orders refusing to grant letters to a spouse or an
61 unmarried minor child and thirty dollars for a certified copy of such orders, pursuant to section
62 483.580;

63 (20) In probate proceedings, pursuant to section 483.580:

64 (a) Thirty-five dollars for the collection of small estates;

65 (b) Thirty-five dollars for involuntary hospitalization proceedings;

66 (c) Thirty dollars for proceedings to determine heirship;

67 (d) Fifteen dollars for assessment of estate taxes where no letters are granted;

68 (e) Fifty dollars for proceedings for the sale of real estate by a nonresident conservator;

69 (f) Forty dollars for proceedings to dispense with administration;

70 (g) Twenty dollars for proceedings to dispense with conservatorship;

71 (h) Twenty-five dollars for admitting a will to probate;

72 (i) One dollar per copied page and one dollar and fifty cents per certificate;

73 (21) One dollar and fifty cents per page for testimony transcription, pursuant to section
74 488.2250;

75 (22) Fifteen dollars for court reporters, pursuant to section 488.2253;

76 (23) Three dollars for witness fees per day, and four dollars when the witness must travel
77 to another county, pursuant to section 491.280;

78 **(24) Ten dollars for civil service of process under subsection 4 of section 488.435.**

488.435. 1. Sheriffs shall receive a charge, as provided in section 57.280, for service of
2 any summons, writ or other order of court, in connection with any civil case, and making on the
3 same either a return indicating service, a non est return or a nulla bona return, the sum of twenty
4 dollars for each item to be served, as provided in section 57.280, except that a sheriff shall
5 receive a charge for service of any subpoena, and making a return on the same, the sum of ten
6 dollars, as provided in section 57.280; however, no such charge shall be collected in any
7 proceeding when court costs are to be paid by the state, county or municipality. In addition to
8 such charge, the sheriff shall be entitled, as provided in section 57.280, to receive for each mile
9 actually traveled in serving any summons, writ, subpoena or other order of court, the rate
10 prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use
11 expressed as an amount per mile, provided that such mileage shall not be charged for more than

12 one subpoena or summons or other writ served in the same cause on the same trip. All of such
13 charges shall be received by the sheriff who is requested to perform the service. Except as
14 otherwise provided by law, all charges made pursuant to section 57.280 shall be collected by the
15 court clerk as court costs and are payable prior to the time the service is rendered; provided that
16 if the amount of such charge cannot be readily determined, then the sheriff shall receive a deposit
17 based upon the likely amount of such charge, and the balance of such charge shall be payable
18 immediately upon ascertainment of the proper amount of such charge. A sheriff may refuse to
19 perform any service in any action or proceeding, other than when court costs are waived as
20 provided by law, until the charge provided by this section is paid. Failure to receive the charge
21 shall not affect the validity of the service.

22 2. The sheriff shall, as provided in section 57.280, receive for receiving and paying
23 moneys on execution or other process, where lands or goods have been levied and advertised and
24 sold, five percent on five hundred dollars and four percent on all sums above five hundred
25 dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where
26 the lands or goods levied on shall not be sold and the money is paid to the sheriff or person
27 entitled thereto, his or her agent or attorney. The party at whose application any writ, execution,
28 subpoena or other process has issued from the court shall pay the sheriff's costs, as provided in
29 section 57.280, for the removal, transportation, storage, safekeeping and support of any property
30 to be seized pursuant to legal process before such seizure. The sheriff shall be allowed for each
31 mile, as provided in section 57.280, going and returning from the courthouse of the county in
32 which he or she resides to the place where the court is held, the rate prescribed by the Internal
33 Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per
34 mile. The provisions of this subsection shall not apply to garnishment proceeds.

35 3. As provided in subsection 4 of section 57.280, the sheriff shall receive ten dollars for
36 service of any summons, writ, subpoena, or other order of the court included under subsection
37 1 of section 57.280, in addition to the charge for such service that each sheriff receives under
38 subsection 1 of section 57.280. The money received by the sheriff under subsection 4 of section
39 57.280 shall be paid into the county treasury and the county treasurer shall make such money
40 payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy sheriff
41 salary supplementation fund created under section 57.278.

42 **4. The sheriff shall receive a fee of ten dollars upon filing in connection with any**
43 **civil case for service of any summons, writ, subpoena, or other order of the court in**
44 **addition to any other charge provided by law. The fee received shall be paid in the county**
45 **treasury, and the county treasurer shall make such moneys payable to the state treasurer.**
46 **The state treasurer shall deposit such moneys in the deputy sheriff salary supplementation**
47 **fund created under section 57.278.**

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